

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

BOBBY R. ESTEP,)	
)	
)	
PLAINTIFF,)	
)	
vs.)	Case No. 15-03097-CV-S-BP
)	
OFFICER SPENCER,)	
CHIEF OF POLICE RICK CRAWSHAW,)	
CITY OF SPARTA, MISSOURI,)	
)	
)	
DEFENDANTS.)	

DEFENDANT ANDREW SPENCER'S MOTION FOR SUMMARY JUDGMENT

Defendant Andrew Spencer, by and through his attorneys of record, Keck & Austin, LLC respectfully seeks this Court's summary judgment in his favor. In furtherance of this motion, Defendant submits the following:

1. The uncontroverted facts demonstrate that Officer Spencer had probable cause to initiate the traffic stop of Mr. Estep on the night of January 22, 2015;
2. In addition to probable cause, Officer Spencer had a reasonable suspicion to initiate the traffic stop of Mr. Estep on the night of January 22, 2015;
3. Upon initiating the traffic stop, Officer Spencer was justified in instructing Mr. Estep to exit his vehicle.
4. Officer Spencer had probable cause to arrest Mr. Estep for the traffic violations and for refusing to obey the lawful command of a police officer when Mr. Estep subsequently refused to exit his vehicle.

5. Mr. Estep's uncooperative and aggressive behavior toward Officer Spencer justified Officer Spencer's use of his Taser in attempting to gain control over Mr. Estep in effecting the arrest.

6. Officer Spencer enjoys qualified immunity from Mr. Estep's claims against him in this lawsuit.

The grounds for this Motion are more fully set out in the Suggestions in Support of Defendant's Motion for Summary Judgment, filed contemporaneously herewith. Said Suggestions in Support are fully incorporated by this reference as though fully set forth herein.

WHEREFORE, for the reasons set forth in the foregoing, and as more fully set forth in the accompanying suggestions, Defendant Andrew Spencer respectfully requests this Court enter an Order granting summary judgment in favor of Defendant Spencer, and treating the underlying facts as established pursuant to Rule 56, and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

KECK & AUSTIN, LLC

/s/ Patricia A. Keck

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The foregoing document was served upon all attorneys of record for each of the parties to this action, and all parties not represented by legal counsel.

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- ☐ By delivering a copy to him;
- ☐ By leaving a copy at his office with his clerk;
- ☐ By leaving a copy at his office with an attorney associated with him;
- ☒ By mailing a copy to him;
- ☒ By transmitting a copy to him electronically, by facsimile or through the Missouri ECF system at the e-mail address and/or telephone number listed above, in Word 2010 or .pdf format.

On this 1st day of August, 2016

/s/Patricia A. Keck
Patricia A. Keck